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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 MARY BENSON, an individual,

Case No.: 2:19-cv-01949-RFB-VCF

9 Plaintiff,

10 vs.

11 LAS VEGAS METROPOLITAN POLICE  
12 DEPARTMENT, in its official capacity; and  
13 BRET EMPEY, in his official capacity as a  
Sergeant of the Las Vegas Metropolitan Police  
Department, and as an individual,

14 Defendants.

15 **STIPULATION AND ORDER TO STAY DISCOVERY (FIRST REQUEST)**

16 Defendants Las Vegas Metropolitan Police Department (the “Department” or  
17 “LVMPD”) and Sgt. Bret Empey (“Empey”) (collectively “LVMPD Defendants”), by and  
through their counsel of record, Nick D. Crosby Esq., of the law firm of Marquis Aurbach and  
19 Plaintiff Mary Benson, by and through her counsel of record, Margaret A. McLetchie, Esq.,  
of the law firm of McLetchie Law, hereby file this Stipulation to Stay Discovery.

21 The Parties are engaged in good faith settlement discussions and in the active process  
22 of exchanging settlement offers. Previously, the Parties participated in two Early Neutral  
23 Evaluations (“ENE”) – one initially for the instant case on January 8, 2020 before the  
Honorable Magistrate Judge Nancy Koppe, and a second one before the Honorable Magistrate  
25 Judge Daniel Albregts on July 28, 2022 in a consolidated ENE with Plaintiff’s husband’s case,  
Case No. 2:21-cv-01928-ART-BNW. The Parties successfully resolved Case No. 2:21-cv-  
27 01928-ART-BNW and since that time, counsel for the Parties have been exploring settlement  
28 in this case.

1       Currently, the Parties have the following depositions scheduled:

2       April 3, 2023                              Defendant Empey  
3       April 6, 2023 at 9:00 a.m.              Plaintiff Mary Benson  
4       April 6, 2023 at 2:00 p.m.              Expert Witness Thomas Carroll

5 In an effort to avoid unnecessary fees and costs associated with depositions, the Parties hereby  
6 stipulate to stay discovery for a period of 30 days to allow the Parties additional time to  
7 exchange counteroffers and determine whether a settlement can be reached. As such, the  
8 Parties stipulate to stay discovery for 30 days and, in the event the Parties are unable to reach  
9 a settlement, the following schedule would apply:

10      **Close of Discovery**                      **May 11, 2023**  
11      **Dispositive Motions**                      **June 10, 2023**  
12      **Joint Pretrial Memorandum**              **June 10, 2023 (unless dispositive motions are**  
13      **filed and, in such an event, 30 days from the date of order on any dispositive motion)**

14      This Stipulation is not offered for the purposes of delay or in bad faith and, instead, is  
15 offered to allow the Parties to continue settlement discussions without incurring additional  
16 fees and costs because avoiding fees and costs will greatly aid the Parties in reaching a  
17 resolution. Further, one of the Parties is a governmental entity, which makes the process of  
18 engaging in settlement discussions more time-intensive.

19      Dated this 29<sup>th</sup> day of March, 2023.              Dated this 29<sup>th</sup> day of March, 2023.

20      MARQUIS AURBACH                          MCLEITCHIE LAW

21      By: /s/ Nick D. Crosby                      By: /s/ Margaret A. McLetchie  
22              Nick D. Crosby, Esq.                      Margaret A. McLetchie, Esq.  
23              Nevada Bar No. 8996                      Nevada Bar No. 10931  
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25              Las Vegas, Nevada 89145                Las Vegas, Nevada 89101  
26              Attorneys for LVMPD Defendants        Attorneys for Plaintiff

27      IT IS SO ORDERED.

28        
29      \_\_\_\_\_  
30      Cam Ferenbach  
31      United States Magistrate Judge

32      3-29-2023

33      DATED \_\_\_\_\_